

12/13/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4468

NAME AND ADDRESS: LEROY H ERICKSON
5656 W OLD HWY 91
POCATELLO ID 83204

DONNA D ERICKSON
5656 W OLD HWY 91
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1935

POINT OF DIVERSION:

T07S R35E S23 NWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC Within BANNOCK County

T07S R35E S23 NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use
Parcel NO: RRBLR000300

Water Right 29-4468

1

12/13/2002

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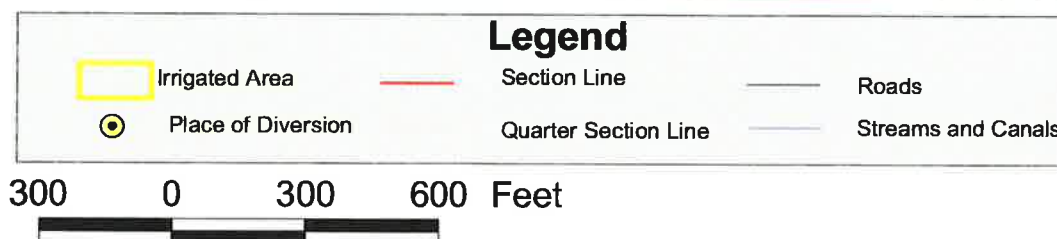
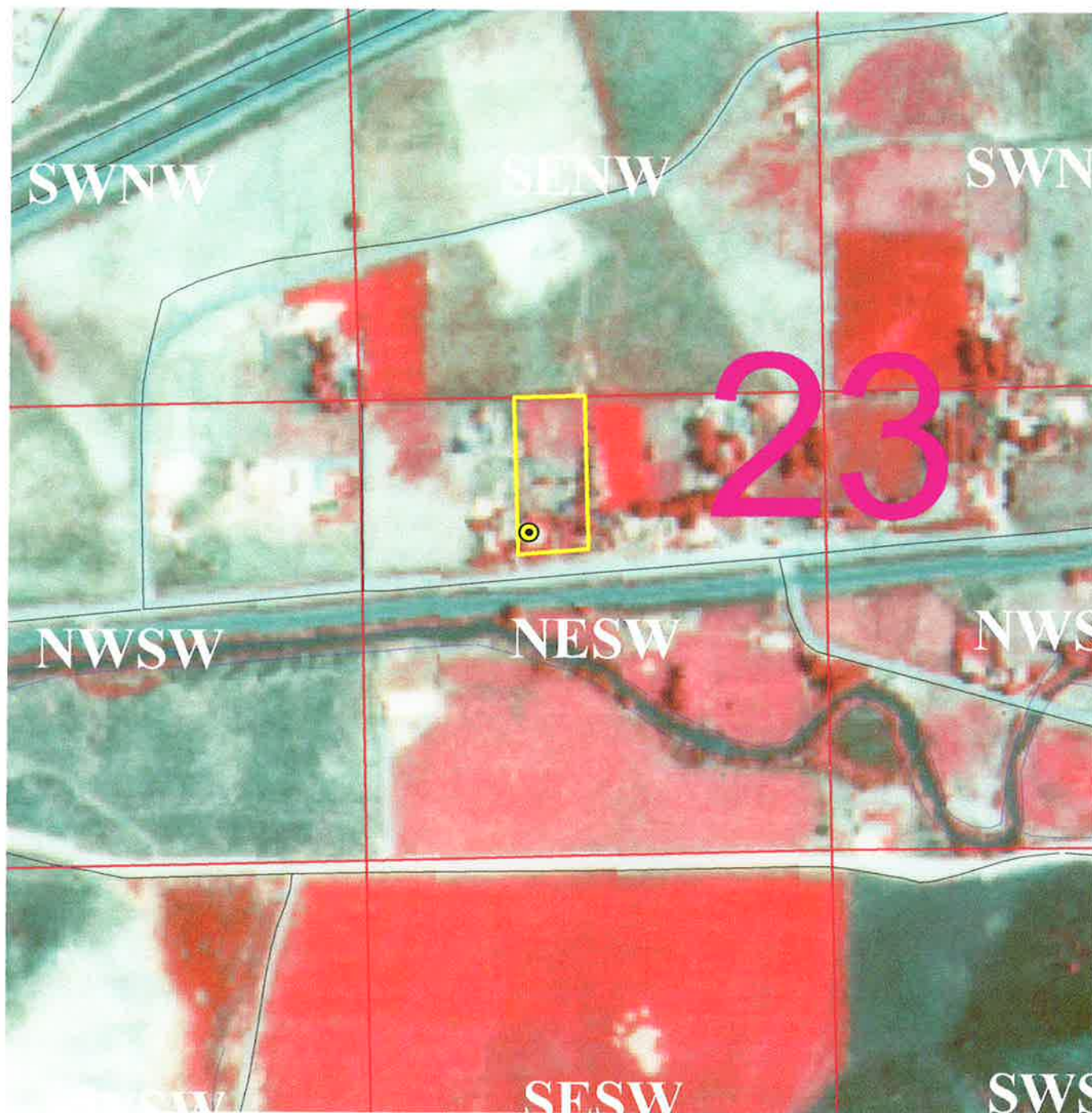
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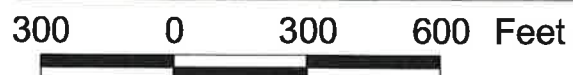
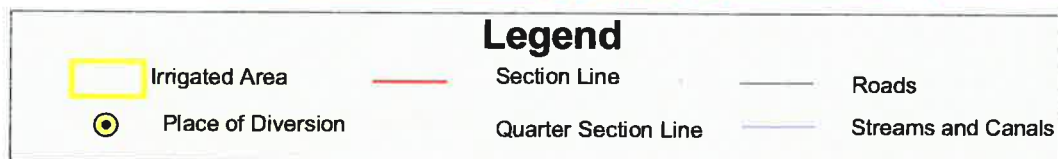
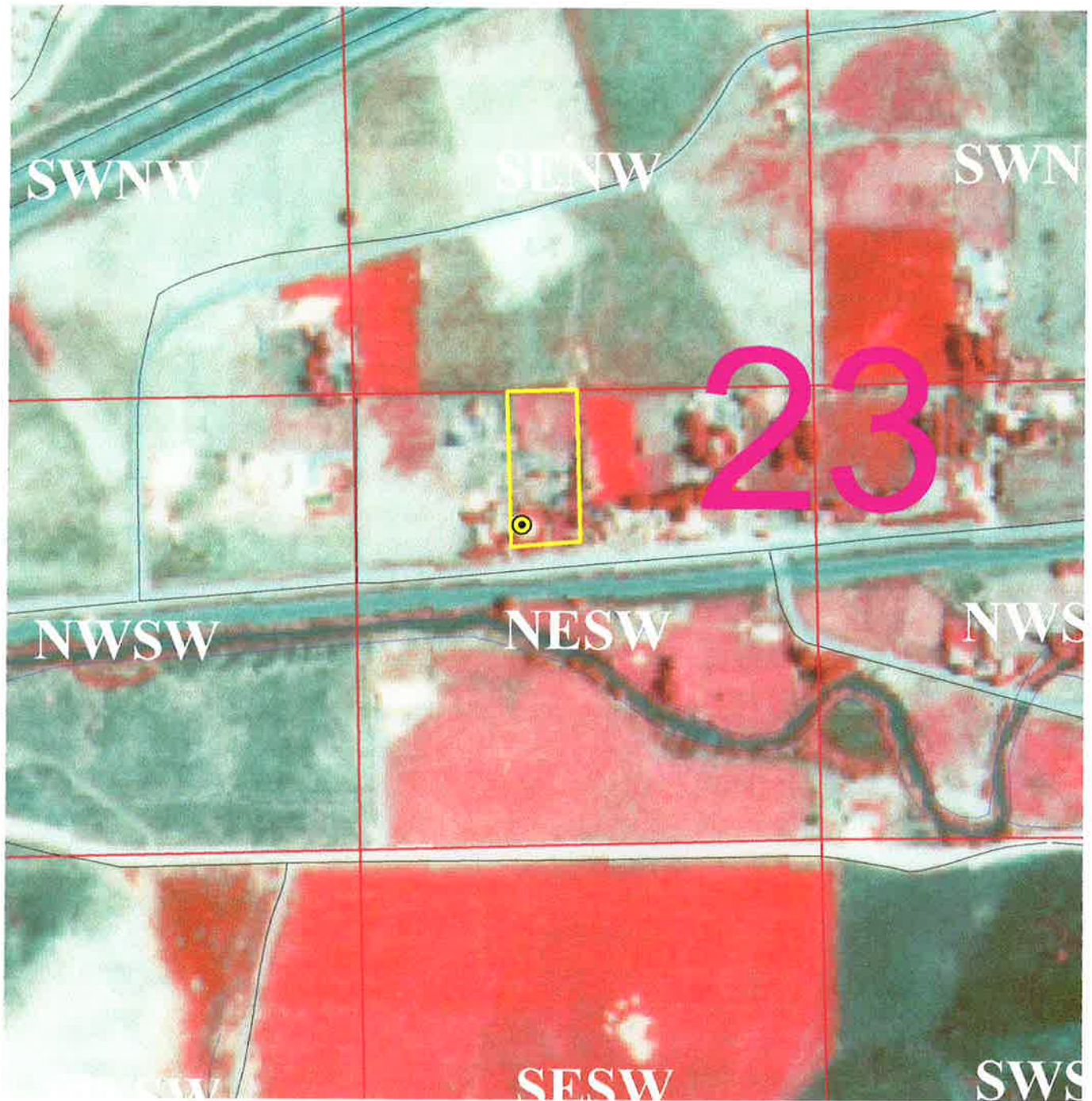
Water Right Claim Number A29-04468
Township , 7S35E

09/06/2000



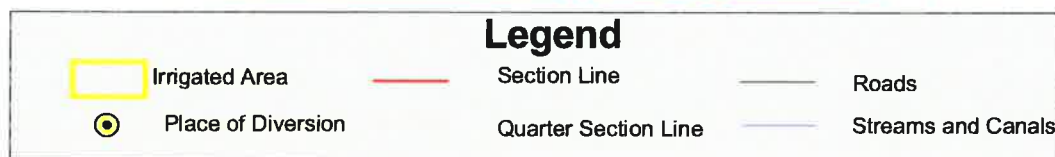
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Water Right Claim Number A29-04468
Township , 7S35E

09/06/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4468 V1

WATER RIGHT NUMBER: 29-4468 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEROY H ERICKSON 5656 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3369
Current Owner	DONNA D ERICKSON 5656 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3369

Priority Date: 06/01/1935

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SW1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23																	
											X								

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. X01 Domestic use is for 1 home.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-4468 V1

1. Explanatory Parcel NO: RRBLR000300

Comments:

1. csaxton 12/13/2002 Domestic

Comment: No priority evidence submitted. Recommend Domestic only.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/13/2002 12:56:16 PM	csaxton			Active
Summary			12/13/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/13/2002 12:56:16 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Contact With claimant 1/24/02
POD	12/13/2002 12:56:55 PM	csaxton	Edited point location
POD	12/13/2002 12:57:11 PM	csaxton	Edited PLS
POU	12/13/2002 12:58:49 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4468 V1

Summary	12/13/2002 1:03:43 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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12-13-02: Based on letter sent Jan 23, 2002. No Response from Claimant.

: Recommend Domestic.

: Per Jan 23, 2002 letter. Conversation with Claimant established a 1970 Priority date (But I can't find that in my notes) The point is that in order to recommend Immigration, Priority Evidence need submitted. 1970 Priority date is in violation of the mandatory permit statute for GW.

: Despite notes stating this is same POP as 291044? It isn't.

: Parcel: RRBLR 000300

: Domestic 1 km

PROFILED

SCANNED

MAR 30 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2002

LEROY H ERICKSON
5656 W OLD HWY 91
POCATELLO, ID 83204

RE: Snake River Basin Adjudication (SRBA) Claims 29-04425 and 29-04468.

Dear Mr. Erickson.

I spoke with you on the phone on January 24, 2002. After our conversation, I came across a couple of issues I wanted to bring to your attention.

29-04425:

29-04425 claims Portneuf River water for Blackrock Irrigation project. From our conversation you said among the 5 people that are serviced, the Portneuf River water was used to irrigate around 10 acres.

Based on my understanding of the system and our conversation, I am looking to recommend 10 acres of irrigation within the boundary you claimed (copy of claim enclosed) and a diversion rate of 0.20 cfs. If you feel this assessment is not accurate, feel free to contact me with any questions.

29-04468:

29-04468 claims ground water for the use of irrigation and domestic purposes. We spoke on the phone about the priority date. You originally claimed a priority date of June 1, 1935 (copy of claim enclosed). In our conversation I said I could support recommending a 1970 priority date. However, I forgot to take into account the mandatory permit statute for groundwater that states any development of irrigation from groundwater commencing after March 25, 1963 is required to go through the permit process.

What the above statement means, is I cannot recommend the claim with a priority date after March 25, 1963. Thus, I cannot recommend the 1970 priority date.

However, after speaking with my supervisor, it was suggested you provide a notarized statement explaining the basis behind your claiming the 1935 priority date. With this statement I should be able to recommend the claimed priority date of June 1, 1935.

PROFILED

SCANNED
MAR 30 2006

Without this statement I can only recommend your domestic use with a priority date of 1970.

I appreciate your prompt response on this issue. You can send your notarized statement directly to the address above with attention to me.

I apologize for the inconvenience. Please feel free to contact me at (208) 344-2190 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

SCANNED

MAR 30 2006

JUN 15 2001

April 12, 2001

29-04468
LEROY ERICKSON
DONNA ERICKSON
5656 W OLD HWY 91
POCATELLO ID 83204

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

29-04468 and 29-10447



POD Well inside of well house. Two pumps, Irrigation pump is 5 hp and domestic pump is 1 hp.
Picture taken 5/4/01 by Craig Saxton

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 12, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 29-04468

Log for claim A29-04468

Spatial Dynamics BTD

9/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESW	2	2	POD placement?
Totals:			2	2	

No other Water Rights - no irrigation

6/12/01 Same well as Randy's well

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEROY H ERICKSON	06/01/1935	IRRIGATION	04-01 11-01	0.060 CFS	
C	DONNA D ERICKSON		DOMESTIC	01-01 12-31	0.060 CFS	
	5656 W OLD HWY 91					
	POCATELLO ID 83204					
	(208) 775-3369					
				TOTAL DIVERSION:	0.120 CFS	
				CONSUMPTIVE USE:		5.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R35E S23 NWNESW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	23	:	:	:	:	02	:	:	:	:	:	:			
													TOTAL ACRES	2.0		

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
07S	35E	23	:	:	:	:	D	:	:	:	:	:	:			

POU County: BANNOCK

Non-Irrigation Uses: D/ 1 HOUSE

Other Rights: BLACK ROCK IRR. CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10446 29-10597 29-10694 29-12175 A29-04207A A29-04207B A29-10094 A29-10446 A29-10447 A29-10694
A29-12175

Other Water Rights Listing Overlapping Place(s) of Use:

A29-04207 A29-04207A A29-04207B A29-04207C A29-04425 A29-10447

Remarks: GEN NEW HOUSE BUILT ON PROPERTY IN 1973. ORIGINAL HOUSE HAS NOT
BEEN USED FOR 10 YRS. AS OCCUPANT MOVED TO NEW HOUSE WHICH THIS
RIGHT REPRESENTS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-04468

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 225

Audit: 04/05/90 CARLSON 07/25/94 THOMPSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that LEROY H. or HELEN ERICKSON

(Name of Claimant)

Rt. 3 South, Pocatello, ID 83204

(Mailing Address)

Telephone No. 775-3369

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1 June 1935

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.06cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>0.06cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.12 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 23 Twp. 7S Rge. 35E B.M., County of Bannock

Additional points of diversion: Also described as Tract 3, Black Rock Subdivision

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, pump mainline with distribution lines to domestic home and irrigation system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	35E	23									2								2

No. of acres 2

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Two domestic homes (2nd home added in 1973)

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

JUN 15 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04468
Date Received: 4/05/1990
Receipt No: MOCK 490
Received By: gpe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEROY H. ERICKSON 208-775-3369
Address: 5656 W. OLD HWY 91
POCATELLO, ID 83204

AND/OR

Name: DONNA D. ERICKSON 208-775-3369
Address: 5656 W. OLD HWY 91
POCATELLO, ID 83204

2. Date of Priority: JUN 01, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	35E	23	NW NE SW		BANNOCK

5. Description of diverting works:
6" CASING 90' DEEP WITH 1 HP. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
DOMESTIC	01/01	12/31	0.060		

7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

A2904468



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NE SW		IRR	2.0
			NE SW		DOMEST	

Section Acres 2.0

Total Acres	2.0
-------------	-----

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
BLACK ROCK IRR. CO.

14. Remarks:
NEW HOUSE BUILT ON PROPERTY IN 1973. ORIGINAL HOUSE HAS NOT
BEEN USED FOR 10 YRS. AS OCCUPANT MOVED TO NEW HOUSE WHICH THIS
RIGHT REPRESENTS.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 13 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): LeRoy H. Erickson Date: 4-5-1990

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of April 19 90

John Dal Canto
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 6/2/94

Black Rock Lot #3
Subdivision 2 ac
IN The

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ + NE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 23 T. 7 S R. 35 E. B.M.

